IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.24413 of 2004

Between:

Kommuri Mohan Rao S/o. Pitchaiah

Aged about 35 yrs

R/o. 9-65-48,Sykamvari Street, Vijayawada- 520 001

..... PETITIONER

AND

Government General Hospital,

Rep by its Superintendent, Vijayawada

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly a Writ of Mandamus declaring Clauses 1,3 and 6 of the proceedings bearing RC No.1807/A4/02 dated 16-12-2004 “Tender Notification” issued by the respondent as illegal and ultra vires to the provisions of Articles 14 and 19 (1) (g) of the Constitution of India, directing the respondent not to proceed further in pursuance of the said notification.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondent: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court at the stage of admission made the following :

ORDER:

The respondent herein has issued a tender notification dated 16.12.2004, inviting sealed tenders from the firms registered in A.P. State to open and run one medical shop in the premises of the Government General Hospital, Vijayawada, prescribing requisite qualifications, as under:

1).. Dedicated exclusively to Health Care

2).. Minimum of 5 years of Registration issued by APGST

3).. Proven Tract record of work in Health care

4).. Valid and continued Income Tax for last 3 years

5).. Valid and continuity of Drug licence with firm certificate,

Registration number

6).. Valid solvency certificate.

The present writ petition is filed on the ground that the requisite qualification/condition Nos.1, 3 and 6 are vague and confers on respondent complete and absolute discretion and the same are intended to benefit certain persons.

Heard the learned counsel for petitioner and learned Government Pleader for Medical and Health.

Learned Government Pleader for Medical and Health submitted that the tender

process is at preliminary stage only and the present writ petition is filed merely on a presumption and is not maintainable.

Admittedly the tender process is at preliminary stage and tenders are only called for. The petitioner has not participated in the tenders. Unless and until the tender process is finalized and tenders are awarded, it cannot be said that the respondent has misused any of the tender conditions. The writ petition is filed merely on a presumption and at this stage, it cannot be said that tender conditions confer absolute powers on the respondent which can be misused. The petitioner is at liberty to participate in the tender and if aggrieved by any action of the respondent, he is at liberty to challenge the same, before appropriate forum.

Subject to above observation, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

28-12-2004.

Tvk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Superintendent,

Government General Hospital,

Vijayawada

2.. 2CCs to GP FOR MEDICAL HEALTH & FAMI.WELFARE, High Court of A.P. Buildings, Hyderabad (OUT)

3.2CD copies